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**APR 10 2003**

**OFFICE OF PETITIONS**

In re Application of	:	
Fatih M. Uckun	:	
Application No. 09/345,815	:	CORRECTED DECISION
Filed: 30 June, 1999	:	ON PETITION
Attorney Docket No. 957.001US1	:	

This is a corrected decision in response to the petition under 37 CFR 1.182 filed on 6 September, 2001.

The petition is dismissed.

The above-identified application was filed on 30 June, 1999. On 19 January, 2001, a Notice of Allowance and Issue Fee was mailed, and the issue fee was filed on 23 April, 2001 (certificate of mailing date 19 April, 2001). On 6 September, 2001, petitioner filed the present petition requesting entry of a Sequence Listing, along with the Sequence Listing.

On 22 July, 2002, a decision was mailed treating the petition as a petition to defer issuance and requiring a Request for Continued Examination (RCE). On 9 August, 2002, petitioner filed an RCE and specified the previously-filed Sequence Listing as the required submission.

Petitioner is advised that since the request to enter the Sequence Listing was filed after payment of the issue fee, a petition to withdraw from issue under 37 CFR 1.313(c) rather than a petition to defer issuance is required. Therefore, the petition under 37 CFR 1.182 is improper.

Petitioner must file a petition to withdraw from issue under 37 CFR 1.313(c) in order to consider the RCE and Sequence Listing.

The decision mailed on 22 July, 2002, was issued in error and is **vacated**. Any indication that deferral of issue has been granted is vacated. Additionally, any indication that the Sequence Listing has been approved or entered is also vacated. The Examiner will determine the viability of the submissions upon remand.

The Office apologizes for the error in treatment of the petition and the delay in proper treatment of the petition and regrets any inconvenience to petitioner.

The petition will be retained in the Office of Petitions for **TWO (2) MONTHS** to await the filing of a petition to withdraw from issue. **This time period is not extendable.**<sup>1</sup> If no reply is received within TWO (2) MONTHS, the application will be forwarded to Publishing Division for issuance as a patent as required by law.

**As a grantable petition under 37 CFR 1.313(b) must be before an appropriate official in the Office of Petitions in sufficient time to grant the petition before the patent is issued, any petition filed under 37 CFR 1.313(b) to withdraw an application from issuance after payment of the issue fee should be clearly marked "Petition under 37 CFR 1.313(b)" and be promptly submitted by facsimile or hand-carried to the Office of Petitions. The Office cannot ensure that any petition under 37 CFR 1.313(c) will be acted upon prior to the date of patent grant.**<sup>2</sup>

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner of Patents and Trademarks  
Box DAC  
Washington, D.C. 20231

**OR (after 1 May, 2003)**<sup>3</sup>

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<sup>1</sup>37 CFR 1.181(f).

<sup>2</sup>See MPEP 1308.

<sup>3</sup>Effective 1 May, 2003, the U.S. Patent and Trademark Office is changing its address for some mail in preparation for its move to new office space in Alexandria, Virginia beginning at the end of 2003. See 68 Fed. Reg. 14332 (March 25, 2003).

Application No. 09/345,815


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Mail Stop Petition  
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By FAX: (703)308-6916  
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite CP4-3C23  
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Telephone inquiries concerning this matter may be directed to the undersigned at (703)308-6918.

  
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